



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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**Daniel P. Bach
Deputy Attorney General**

February 23, 2005

Ms. Jeanne Anthony
WHBY Radio
2800 East College Avenue
Appleton, WI 54915

Dee Hall
Wisconsin State Journal
P.O. Box 8058
Madison, WI 53708-8058

Ms. Gina Barton
Milwaukee Journal Sentinel
P.O. Box 661
Milwaukee, WI 53201

Dear Ms. Anthony, Ms. Hall and Ms. Barton:

Attached is the report prepared by Attorney Stephen J. Meyer, at the request of the Department of Justice, concerning the homicide conviction of John Maloney. As you recall, in response to concerns you expressed to me and Assistant Attorney General Steve Tinker about that case, we agreed to review materials you presented to us to determine whether there was evidence not presented at trial tending to refute the charge that Sandra Maloney had been murdered. As DOJ was involved in the investigation of this case and has represented the state on appeal, we thought it prudent to hire an expert in criminal law outside DOJ to review your materials and any others he thought necessary in order to avoid even the appearance of a conflict of interest.

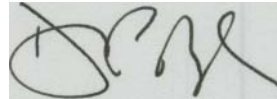
As explained in the report, this review was not an attempt to evaluate the propriety of the jury's verdict or the tactical decisions made by trial or appellate counsel. Issues that were or could have been raised during trial or on appeal relative to the case that was tried have not been addressed. That is the function of the judicial process, which remains on-going. Rather, we understood your essential concern to be information which you believed showed that the victim died from accidental causes, thereby raising collateral questions as to why that evidence was not presented to the jury or considered when the charging decision was made. As you will see, the

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conclusion in the report is that the evidence in the case, as well as information independently obtained by Attorney Meyer, shows that Sandra Maloney was murdered.

I do appreciate your having brought your concerns to the attention of the Department of Justice. While this report may not answer every question you have raised, it does address the focal point of your unease with the conviction without treading upon issues within the purview of the judicial process.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DPB', enclosed within a rectangular border.

Daniel P. Bach
Deputy Attorney General

DPB:kh

Attachment

c w/ Attachment: Sheila Berry